

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

NEW REGULATIONS

The DEPARTMENT OF NATURAL RESOURCES adopted emergency amendments to "Open Space Lands Acquisition and Development Grant Program" (17 Ill Adm Code 3025; 38 Ill Reg 16400), effective 7/16/14, for a maximum of 150 days, concerning the acquisition and development of land. Identical proposed amendments appear in this week's *Illinois Register* at 38 Ill Reg 16122. The rule allows for the changeover from a total reimbursement program to a partial reimbursement program with at least 50% of the money being provided to the applicant up front and allows for funding of 90% of the project costs for entities meeting the stated criteria as a distressed local government. This rulemaking will affect units of local government.

Questions/requests for copies/comments through 9/15/14: Brendan Dailey, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

MEDICAL ASSISTANCE

The Department of Healthcare and Family Services adopted an amendment to "Medical Assistance Programs" (89 Ill Adm Code 120; 37 Ill Reg 12302), effective 7/14/14, revising an eligibility criterion for the Department's Health Insurance Premium Payment (HIPP) program, which subsidizes health insurance coverage for persons with high cost medical conditions requiring ongoing treatment (e.g., cancer, AIDS, diabetes). The rulemaking defines a health plan as "cost effective" and eligible for coverage if the average cost of medical services covered during a premium period is at least 2 ½ times (currently, greater than twice) the cost of premiums for the same period. HIPP patients and health insurance providers are affected by this rulemaking.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: HFS.Rules@illinois.gov.

Proposed Regulations

PROFESSIONAL REGULATION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247; 38 Ill Reg 16053) increasing the fee for restoring licenses from \$20 to \$50 and lowering the cap on lapsed renewal fees from \$600 to \$500 and removing the minimum passing score for the licensing exam, setting it to the testing entity's established passing score. DFPR will issue licenses by endorsement to applicants in good standing with the National Environmental Health Association. Allows evidence of practice under the supervision of an Illinois licensee working in the State or proof of current certification, including continuing education, from the NEHA for restoration. Provides DFPR will keep all information collected confidential. DFPR will only provide information to law enforcement, regulatory agencies having appropriate regulatory authority or in response to a lawful subpoena.

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

PUBLIC ASSISTANCE

The Department of Human and Family Services adopted amendments to "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113; 38 Ill Reg 7041), effective 7/18/14, updating various requirements. The amendments implement a provision of the federal Affordable Care Act that makes adults who qualify for TANF presumptively eligible for medical assistance by eliminating references to a separate start-date for medical assistance.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield, 217/785-9772.

WATER QUALITY

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Certification and Operation of Environmental Laboratories" (77 Ill Adm Code 465; 38 Ill Reg 2723), effective 7/15/14, that establish compliance with regulations published in the 2/13/13 Federal Register covering national primary drinking water regulations that include revisions to the Total Coliform rule. The rule updates incorporated and referenced materials and repeals obsolete information contained in the appendix. The rule also adds certification for *Cryptosporidium* by adding references to federal regulations and an EPA supplement. Since 1st Notice, Section 465.430 was revised to more accurately reflect federal regulations.

EMERGENCY MEDICAL TRAINING

DPH also adopted amendments to "Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital

Code" (77 Ill Adm Code 515; 38 Ill Reg 7490) concerning EMT training standards and standards for Specialized Emergency Medical Services Vehicles (SEMSV) (non-ground-ambulance vehicles, e.g., helicopters, airplanes, watercraft). The rule brings safety requirements for SEMSVs into compliance with federal standards. For EMS Systems that use aircraft, pilots must have at least 2,000 flight hours with at least 1,500 rotocraft flight hours, 100 night flight hours and at least 500 hours turbine time. All fixed-wing aircraft pilots must be approved by the EMS Medical Director prior to participation in an EMS System; the director must also have knowledge of flight safety and weather related flight rules. For EMS programs that employ helicopters, temporary staffing of 3 full-time pilots per helicopter (normally 4) is permitted for no more than 6 months while a replacement pilot is being sought or trained. Updated training requirements for crews assigned to helicopter or fixed wing aircraft are included. The rule also defines "helicopter shopping" (calling various operators until a helicopter flight assignment is accepted, without mentioning that previous operators declined a flight or their reasons for declining the flight) and requires EMS flight safety programs to include education on this practice. Other provisions also define the responsibilities of lead instructors during EMT training.

Questions/requests for copies for the above 2 rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to the Part titled "Issuance of Licenses" (92 Ill Adm Code 1030; 38 Ill Reg 8331; 38 Ill Reg 8429) effective 7/21/14, allowing SOS to limit the number of appointments an individual or single computer IP address can make within a 24-hour period for non-visa status Temporary Visitor Driver's Licenses. If SOS finds that limited number has been violated, it may cancel all appointments exceeding the maximum allowable number.

Questions/requests for copies on the proposed rulemaking: Nathan Maddox, SOS, 98 Howlett Building, Spfld IL 62756, 217/785-3094, nmaddox@ilsos.net.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to "Universities Retirement" (80 Ill Adm Code 1600; 37 Ill Reg 7571), effective 7/17/14). The rule revises defined terms and FOIA procedures to comport with recent statutory changes; defines earnings subject to withholding and crediting under the System and prescribes the calculation of final rate of earnings under the recently created two tiers of the University Article of the Pension Code; and sets policies governing retroactive court settlements or judgments being treated as earnings, as well as unused sick days.

Questions/requests for copies: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

Proposed Regulations

DFPR also proposed amendments to Community Association Manager Licensing and Disciplinary Act (68 Ill Adm Code 1445; 38 Ill Reg 16062) establishing requirements for Supervising Community Association Managers and Community Association Management Firms (CAMFs). Applicants who will be grandfathered in must provide information for all the community associations they have worked with for 7 of the last 10 years. Supervising Community Association Managers licensed by examination must have 10 hours of pre-licensure education or proof of licensure for at least one of the 2 previous years as a Community Association Manager (CAMs). Allows for temporary licensing as a CAM. A person may only be temporarily licensed 1 time and that license will expire in accordance with the Act. Details examples of requirements for CAMFs. Additional requirements are listed that must be complied with depending on the corporate structure. All requirements must be met within 1 year of application. Continuing education requirements are established. Lists approved CE sponsors. All licensees must certify CE at the time of renewal and DFPR may request documentation. Curriculum for CE courses is established. Sets the first renewal for Supervising Community Association Managers and CAMFs at 8/31/17, then every 8/31 in odd-numbered years. CAMFs seeking to restore an inactive license must pay \$100 and all lapsed renewal fees if restoring a license that was inactive for 3 years or less. If inactive for more than 3 years, the firm will have to reapply as new. Guidelines for supervision are established for Supervising Community Association Managers and CAMFs. Establishes supervision duties for Supervising Community Association Managers and CAMFs. Prescribes minimum responsibilities for Supervising Community Association Managers. Application fees for all 3 entities at \$200; renewal fees at \$175/2 years; and duplicate licenses or certification of the licensees' record at \$25. All CAMFs must have fidelity insurance. DFPR provides guidelines

for keeping association accounts. No personal funds may be comingled in the association account except for an amount sufficient to avoid service changes. Finally, standards are provided for audits of association accounts by outside auditors. Those involved in environmental health or community association management may be interested in these rulemakings.

Questions/requests for copies/comments on these 2 DFPR rulemakings through 9/15/14 to: Craig Cellini, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to "Medical Payment" (89 Ill Adm Code 140; 38 Ill Reg 16096) that will allow one-year timely filing of claim per PA 98-104 for providers under the Cook County health system, define a primary payer, update electronic submittal requirements for long term care admission documents and set standard timeframes for adjustments to claims.

Questions/requests for copies/comments through 9/15/14: Jeanette Badrov, HFS, 201 S. Grand Ave. E., 3rd Floor, Springfield IL 62763-0002, 217/782-1233; HFS.rules@illinois.gov.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to "Construction and Filing of Accident and Health Insurance Policy Forms" (50 Ill Adm Code 2001; 38 Ill. Reg. 16122) to conform to recent federal Affordable Care Act regulation changes which now permit that a federally qualified health center may be paid either the Medicaid amount or some other amount mutually agreed upon amount, provided that the mutually agreed upon rates are at least as equal to the payment rates under Medicaid. The amendments also state that the pediatric oral care benefit in

regard to new policies issued outside of the Exchange will be deemed satisfied if the health insurance issuer has obtained reasonable assurance that such benefits are provided. Such assurance can be demonstrated if: at least one qualified dental plan outside the Exchange offers the minimum essential pediatric oral care required under the rule and it is available for purchase by a small group or individual purchaser; the insurer prominently discloses to a purchaser or enrollee that its individual plan does not offer the required pediatric oral care benefits, and the health insurer has received and kept records of confirmation from the purchaser or enrollee that he or she has obtained coverage that includes the pediatric oral care benefits.

Questions/requests for copies/comments through 9/15/14: Susan Anders IDOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

LOCAL RECORDS

The SECRETARY OF STATE ARCHIVES DIVISION, on behalf of the LOCAL RECORDS COMMISSION, proposed amendments to "Local Records Commission of Cook County" (44 Ill Adm Code 4500; 38 Ill. Reg. 16181). The rulemaking generally incorporates current records management methods not present when the Part was adopted in 1987, such digital records, electronic microimaging, and current American National Standards Institute protocols. Record management and destruction procedures are put in place in parallel with State procedures are also proposed. Current statutory provisions are updated. Numerous new terms are defined and records management protocols are incorporated by reference.

Questions/requests for copies/comments through 9/15/14: Dave Joens, Illinois State Archives, Norton Bldg., 2nd Fl., Springfield IL 62756, 217-782-3492, djoens@ilsos.net.

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Proposed Regulations (cont'd)

LOCAL HEALTH PROTECTION

The DEPARTMENT OF PUBLIC HEALTH has proposed amendments to "Local Health Protection Grant Rules" (77 Ill Adm Code 615; 38 Ill Reg 16145). The proposed amendments make changes to the program standards for the four public health programs (Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal) funded by Local Health Protection Grants. In addition, they outline the specific program standards that DPH will use to evaluate local health departments and revise definitions and referenced materials. The rulemaking clarifies how DPH will conduct reviews of local health departments and outline how DPH will determine substantial compliance for each of the four public health programs during the local health department reviews. These amendments also clarify the process DPH will use to notify local health departments of the determination of substantial compliance. Infectious disease reporting requirements are brought into line with the Control of Communicable Diseases Code (77 Ill Adm Code 690) and other Department rules. References to certain publications are updated and the electronic reporting systems to be used for infectious disease reporting and investigations are defined. Training requirements for infectious disease staff are clarified. Specific information that is contained in the Food Service Sanitation Code (77 Ill Adm Code 750) is replaced with appropriate references to those rules instead. The self-evaluation/quality assurance review requirements is clarified and the training requirements for program staff are expanded. Licensing and inspection responsibilities for closed loop wells, in accordance with recent amendments to the Water Well Construction Code (77 Ill Adm Code 920) are added and requirements for inspecting water wells and closed loop

wells are added; training requirements for program staff are clarified. Inspection requirements for private sewage disposal systems and allow local health departments to share inspection reports for septage hauling equipment are clarified. Reporting requirements for the Food Protection, Potable Water Supply, and Private Sewage Disposal programs from annual reports to quarterly reports are changed and references to statutes and DPH personnel are updated. Record retention requirements for the four public health programs are consolidated into the common requirements for all programs and training approval is explained for the four public health programs.

Questions/requests for copies/comments through 9/15/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

RULE RECODIFICATION

The DEPARTMENT OF CORRECTIONS, implementing a provision of PA 94-696, effective 6/1/06, creating the Department of Juvenile Justice and transferring certain policies from DOC to DJJ, announced the transfer of County Juvenile Detention Standards (20 Ill Adm Code 702) and County Shelter Care Standards (20 Ill Adm Code 703) to the DJJ. County Juvenile Detention Standards can now be found at 20 Ill Adm Code 2602 and County Shelter Care Standards can be found at 20 Ill Adm Code 2603.

Questions concerning this recodification: Echo Beekman, DOC, 1301 Concordia Court, P.O. Box 19277, Spfld, IL 62794-9277, 217/558-2200.

RULE CODIFICATION

The DEPARTMENT OF JUVENILE JUSTICE, implementing a provision of PA

94-696, effective 6/1/06, announced the codification of its rules. PA 94-696 added DJJ to the Unified Code of Corrections [730 ILCS 3-2.5.1 through 3-2.5.110] and transferred policies embodied in existing Department of Corrections rules to the DJJ. DJJ is now codifying those policies in rule.

Questions concerning this codification: Kathryn William, DJJ, 707 N. 15th St., Springfield IL 62702, 217/557-1030.

WITHDRAWAL - INSURANCE: DECLARATORY RULINGS

The DEPARTMENT OF INSURANCE has withdrawn its rulemaking titled "Declaratory Rulings" (50 Ill Adm Code 2411; 38 Ill Reg 12003) that outlines the circumstances in which the DOI Director shall issue declaratory rulings interpreting a statute or rule enforced by DOI. A request for such a ruling shall include a concise statement of the facts, which the Director at his or her discretion may address. Requests shall also include all statutes and rules known to the requesting party that are relevant to a determination of the request. Both the statement of facts and applicable legal authority shall be certified by the requesting party. A declaratory ruling shall state it is limited to those facts and legal authority identified by the requesting party. Such rulings are not appealable. Trade secrets and other confidential information shall be redacted from the ruling. Such a ruling shall not be issued on any matter requiring an evidentiary proceeding. DOI will maintain a record of its ruling and on its website. DOI offers as the reason for withdrawal that several industry participants are opposed to the changes.

Questions: Susan Anders, DOI, 320 W. Washington St., Spfld IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the August 12, 2014 meeting.

DEPARTMENT OF PUBLIC HEALTH

"Practice and Procedure in Administrative Hearings" (77 Ill Adm Code 100) proposed
10/4/13 (37 Ill Reg 15608)

TORTURE INQUIRY AND RELIEF COMMISSION

"Policy, Hearings, and Form" (20 Ill Adm Code 2000) proposed 4/25/14 (38 Ill Reg
8840)

"Organization, Public Information, Procedures and Rulemaking" (2 Ill Adm Code 3500)
proposed 4/25/14 (38 Ill Reg 8822)

DEPARTMENT OF AGRICULTURE

"Animal Disease Laboratories Act" (8 Ill Adm Code 110) proposed 4/18/14 (38 Ill Reg
8035)

"Diseased Animals" (8 Ill Adm Code 85) proposed 4/18/14 (38 Ill Reg 8020)

"Illinois Bovidae and Cervidae Tuberculosis Eradication Act" (8 Ill Adm Code 80)
proposed 4/18/14 (38 Ill Reg 8013)

ILLINOIS COMMERCE COMMISSION

"Governmental Electric Aggregation" (83 Ill Adm Code 470) proposed 12/27/13 (37 Ill
Reg 20544)

DEPARTMENT OF LABOR

"Carnival and Amusement Ride Safety Act" (56 Ill Adm Code 6000) proposed 5/23/14
(38 Ill Reg 10772)